

Minutes of the regular meeting of the Fairfax City Council on Tuesday, November 11, 2003, at 7:00 p.m., in Council Chambers at City Hall.

Members Present:

Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter.

Members Absent:

None.

Invocation.

Mayor Lederer gave the invocation.

Pledge of Allegiance.

The Mayor led the Council in the Pledge of Allegiance.

Adoption of the agenda.

Councilman Silverthorne moved adoption of the agenda.

Councilman Greenfield seconded the motion, which carried unanimously by voice vote.

Presentations by the public on any item not subject to public hearing.

Ms. Hildie Carney, 3512 Old Post Road, said she is here as a representative for Historic Fairfax City, Inc. thanking the City Council for their sensitivity and help with projects during this year. She said Historic Fairfax City, Inc. is concerned about potential archeological discoveries that might be made during the redevelopment process. She said all development should be required to evaluate the potential impact of ground disturbance and test for archeological resources both historic and prehistoric.

Ms. Carney said the Virginia Department of Historic Resources recognizes the City of Fairfax as Certified Local Government. The City must assume a role in the identification, evaluation, and protection of community resources by having an appointed archeological review board and a systematic survey of archeological sites.

Ms. Carney said this work is not to impede the process of the development; it should be a part of the development work.

Mr. David Young, 10822 Scott Drive, said he lives across from the Fairchester Woods Park and would like to know when this park is scheduled for equipment replacement. He said the equipment is quite deteriorated and is not suitable for children to use. Also, in recent years there has been a decline in the maintenance of the grounds and tree overgrowth and would like someone to look into that.

The Mayor directed the City Manager to work with Mr. Young and advise Council of the action.

Ms. Ann Adams, 10243 Stratford Avenue, said she is addressing the Council as the Vice President of Historic Fairfax City, Inc. echoing the comments of President, Hildie Carney. She wanted to thank the Mayor, members of Council who attended the general meeting on October 30th and their program on the history of the banjo. She thanked the general public for also attending and as a reminder she said Historic Fairfax City, Inc. meets every second Wednesday, 7:30 p.m. at City Hall and anyone can attend.

Mr. Jerry O'Dell, 3920 Bradwater Street, said at the conclusion of his remarks he will give the City Clerk a copy of his comments. He said he has read portions of the changes for the Comprehensive Plan and said he testified briefly before the Planning Commission last night and now withdraws any hint of support for a four or five story building on the North Street parking lot site. Mr. O'Dell spoke about appointments to boards and commissions, health care providers and nepotism.

Mr. Tim Maliski, Holly Street, said he has been a resident of the City for about a year and lived before that in Fairfax County. He said he has watched the County go from quiet countryside to suburban sprawl. His concerns are with the impact of traffic flow, the pedestrian traffic, green space, the historical part of the City, and the effects on the taxpayer.

Consent agenda.

Councilwoman Cross moved adoption of the following consent agenda:

- Agenda item #5a, Consideration of a resolution authorizing the City Attorney to settle the lawsuit against the City by ArrivalStar, Inc;
- Agenda item #5b, Introduction of an appropriation resolution in the amount of \$70,000 to replace the pedestrian bridge that connects Jean Street with Spring Lake Terrace; and

- Agenda item #5c, Introduction of an appropriation resolution in the amount of \$72,000 to hire a transportation consultant to perform traffic signal timing analysis.

And for agenda item #5a “I move approval of the suggested motion in the staff report,” and for agenda items #5b and c, “I move to waive the first readings and set the public hearings for November 25, 2003.”

Councilmember Winter seconded the motion.

The Mayor asked if anyone wished to abstain or object to any of the items.

No one did.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Public hearing and Council action on the request of Enterprise Rent-A-Car at 9854 Lee Highway for a special use permit for expansion of a non-conforming use and for landscaping.

This public hearing was properly advertised in the October 24 and 31 2003 issue of *The Washington Times*.

David Hudson, Director, Community Development and Planning said the applicant has requested this be deferred until November 25, 2003 to evaluate improvements to their application.

Councilman Silverthorne moved that the public hearing on the request of Enterprise Rent-A-Car at 9854 Lee Highway for a special use permit for expansion of a non-conforming use and for landscaping be deferred until November 25, 2003.

Councilman Greenfield seconded the motion, which carried unanimously by voice vote.

Public hearing and Council action on an ordinance amending Section 90-52 of the Code of the City of Fairfax, Virginia, to incorporate changes in the state law regarding the assessment of substantially completed buildings.

This public hearing was properly advertised in the October 24 and 31 2003 issue of *The Washington Times*.

Dorrie Bennett, Real Estate Assessor, gave the staff report, which is incorporated into the record by reference.

The Mayor opened the public hearing.

Mr. Jerry O'Dell, 3920 Bradwater Street, spoke about the time frame in which the City Council gets their meeting documents, when he gets the meeting documents, and how this change in the Code might affect developers.

Councilman Silverthorne asked the City Manager when the staff reports are available to the public.

The City Manager said the Council packets are distributed on Wednesday afternoon and the reports are also available for the public.

Councilman Silverthorne asked the City Manager if these reports are available on the City's website.

The City Manager said yes, the reports are posted on the web on Thursday.

The Mayor closed the public hearing.

Councilwoman Lyon moved to adopt an ordinance amending Section 90-52(b), Division 2, Article II, Chapter 90 of the City Code pertaining to assessments of substantially completed buildings.

Councilman Silverthorne seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Closed meeting to discuss a personnel matter, to discuss acquisition of publicly owned property and disposition of publicly owned property.

The Mayor moved that the City Council convene a closed meeting pursuant to Section 2.23711.A1 of the *Code of Virginia* to discuss a personnel matter and under Section 2.2-3711.A.3 of the *Code of Virginia* to discuss acquisition and disposition of publicly held property.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Council went into a closed meeting at 7:27 p.m., and reconvened the meeting at 8:40 p.m.

The Mayor said Council concluded its closed meeting to discuss a personnel matter; and acquisition and disposition of publicly held property.

The Mayor moved that each member of Council certify that to the best of each Council member's knowledge, only public business matters lawfully exempted from the open meeting requirements in the Virginia Freedom of Information Act and only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Consideration of a pre-formation agreement between the City of Fairfax and (the developer) for the exclusive right to negotiate the purchase and development of the Logan Sipan and North Street sites.

The Mayor said it would be virtually impossible to summarize in the next few minutes in a meaningful way all that has happened over a fifteen to twenty year period pertaining to the downtown redevelopment project. He said this is one of the most substantial issues that any Council will ever have in terms of the future of the City of Fairfax.

The Mayor said we started this process with nine interested parties that submitted proposals; whittled that down to four; and then became three. He said this has been a very difficult process to narrow this down to one. On behalf of the City Council he wanted to tell all nine of the original applicants how much Council appreciated their interest in the City of Fairfax, their time, their energy and the money that was devoted to get us to this point in time.

The Mayor said it was his hope that as we move forward this project will truly represent the core, the focal point of the City of Fairfax. He said we all had a difficult challenge of finding what economically was viable and would work in the business world and at the same time to balance that to the needs of the community. He said he thought Council has accomplished that and could not be prouder that this was done over the last twelve months.

The Mayor said this project would be two and three story buildings, with the Moore/McCandlish House and the Ford house as the benchmarks and guideposts as they went through this process. He said the Council's goal is that the revenues will far exceed the expenses in this downtown project.

The Mayor said we got here today because of the four or five year process that preceded this. He said we can all sit here and take bows but the reality is if it wasn't for

the leadership of the former Mayor of the City of Fairfax, John Mason, if it wasn't for the vision of the Council and the dedication of the staff we would not be where we are today.

The Mayor acknowledged and thanked Don Zuchelli the consultant the City of Fairfax hired at the start of this process that has been behind the scenes in the negotiations and discussions that have gotten us to where we are now. He thanked the City Manager, Bob Sisson; Earl Berner, Director, Economic Development; Vivian Baltz, Assistant City Manager; and David Hudson, Director, Community Development and Planning and all the key people that got us here.

The Mayor said he wanted to personally say a word of gratitude to what he considers the advisory team and the RFQ process that was followed. The Mayor named the following people whom he said were invaluable to this process: Rick Dickson, Art Foster, Eddy Cettina, Dee Smith, Eric Snyder, Jack Rust, and Johnny Woods. He said these people are landowners that had nothing to gain by spending hours to develop the RFQ that was used for the initial selection process.

The Mayor said in a few minutes there will be a motion on the pre-formation agreement. This agreement will select the Trammell Crow Walnut Development Donagan Team to move forward. There will be a one hundred and twenty day period to negotiate a general development agreement, the site plan will start and construction is anticipated to start in the fall of 2004.

Councilwoman Lyon moved that the City Council select the team of Trammell Crow Company, Walnut Street Development and J. Donegan Company for development of the Logan-Sipan sites and the North Street Parking Lot; and further move that the City Council approve the Pre-Formation Agreement, as drafted, and authorize the Mayor to execute it with minor adjustments to language as mutually agreed.

Councilwoman Cross seconded the motion.

Councilwoman Lyon said she would like to thank everyone for all the hard work that has been done on this. She said she is very pleased to be a part of this process and looks forward to continuing.

Councilman Silverthorne said he would like to also recognize the vision that the former Mayor, John Mason put forward. He said this has been a long time in the making. This has probably been on the Council's docket for twenty five years and is very pleased with the progress that is being made this evening. He is looking forward to a project that is going to be state of the art for the community and an envy of the surrounding jurisdictions. He applauds the Mayor for his leadership and is looking forward to getting this done.

Councilman Greenfield said this is going to be an exciting time in the City. It wasn't that long ago that the previous Council talked about the redevelopment of the downtown; we thought we were going to make it happen, we spent a lot of time moving forward and we came up short but we didn't give up. He thanked the staff for their

patience, thanked Mayor Mason for getting this on our docket and Mayor Lederer for making sure that it was part of our goals and objectives for this Council's term. He said he was shocked to see the number of applicants for the RFQ and the quality of the teams. This is the first step and when the GDA is executed we will be moving forward and hope in the next few months to have a date for cutting ribbons.

Councilwoman Cross said this is a major turning point for the City. Since she has been sitting up on the dais she has become more and more astounded with the vision of the leadership of this city. She said she couldn't take very much credit for this result tonight because she is so new and is very proud to be sitting here and to have a legacy of all the leadership the city that has gone before.

Councilmember Winter said also would like to echo all the comments that have come before her. She said this have been a very busy year for the three of us that are new and is honored to be part of this momentous move forward. She said the finished product is going to be stellar and will make Fairfax City even more special.

The Mayor said the financial aspect of the negotiations will be released in the next couple of days and there will be a press release tomorrow.

The Mayor called for a vote on the motion, which carried by a voice vote of 6-0, recorded as follows: In favor, Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Consideration of a new General Services Agreement to reflect the changes that have occurred in government services provided by the County to the City since the adoption and subsequent amendments to the 1978 Agreement.

The Mayor said there are no new agreements that are part of this agreement. This is simply pulling together all the agreements into one document.

Councilman Greenfield moved that the City Council adopt the 2003 General Services Agreement.

Councilman Rasmussen seconded the motion.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

Comments by City Council.

Councilmember Winter said she would like to thank the American Legion for the tribute they gave this past Saturday for the veterans. It is a tradition for the American

Legion to host a luncheon for those who have served our county so nobly and it was an honor to be part of that.

Councilman Silverthorne thanked Councilmember Winter for reminding him that he needed to apologize to the American Legion for not letting them know that he was going to be out of town on that date.

Councilman Silverthorne talked about how remarkable this last year has been and how much we have accomplished. He said we have actually moved things off our plate; we have actually gotten stuff done. He said we have a lot to be proud of and it is due to the leadership of the Mayor and to the new members of Council.

Councilman Silverthorne talked about the recent election and the time that he was pleased to spend a few hours with Mr. Jerry O'Dell at precinct three. He congratulated the winners; Mr. Connolly, Sheriff Stan Berry, Senator Jeanemarie Devolites and Delegate Chap Petersen. Both Delegate Chap Petersen and Senator Jeanemarie Devolites represent the City of Fairfax and he is proud of both of them for the upbeat and positive campaign they ran in the City and it shows that truth and honesty in campaigns actually matter. Congratulations to both of them and he wishes them continued success in Richmond and looks forward to working with them.

Councilman Rasmussen said he was not here for the election he was in a rural part of the county serving as a federal election observer. He said this is where they use paper ballots and do things very differently than we do here.

Councilman Rasmussen said he hopes staff can move quickly on the testing for archeological resources as referenced in the comments that were made by Hildie Carney about the downtown redevelopment. He said we need to take care and see if there are any historical implications on what goes on during the construction.

Councilman Greenfield said the Holiday Arts and Crafts Festival at the Fairfax High School is this weekend and next Wednesday, November 19, 2003, Old Town Hall, 2nd Floor at 7:30 p.m. is the second of the Old Town Hall Lecture Series.

Councilwoman Cross wants to express her personal thanks to the veterans of this country. She said we are all privileged to live in the country and how well we have learned the lesson that freedom isn't free; to all of those veterans I say "thank you" and God speed.

Adjournment.

The meeting adjourned at 9:06 p.m.

Mayor

ATTEST:

Acting City Clerk